

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

Criminal No. 19-331

SUE O'NEILL,

STIPULATION

The United States of America, and Marco Contractors, Inc., by and through their respective counsel, with the intent to be legally bound hereby, stipulate and agree as follows:

1. On or around October 31, 2019, a seven-count Information was filed against Sue O'Neill charging her with 18 U.S.C. § 1343 (wire fraud) and 26 U.S.C. § 7206(1) (filing a false income tax return).
2. As part of the case against Sue O'Neill, the United States sought to forfeit, among other things, a 1969 Ford Mustang, VIN 9F03F205350 (delineated by asset identification number 19-FBI-004584); a 2017 Cherokee Wolfpack, VIN 5ZT3CT4B6H1210091 (delineated by asset identification number 19-FBI-004588); 60 Zassick Drive, Sewickley, PA 15143 (delineated by asset identification number 19-FBI-000617); 10435 South Licking Pike, Alexandria, KY 41001 (delineated by asset identification number 19-FBI-000681); and 10316 Alexandria Pike, Alexandria, KY 41001 (delineated by asset identification number 19-FBI-000688) (collectively, the "Subject Property").
3. On November 13, 2019, Sue O'Neill entered a guilty plea to Counts One and Seven of the Information at Criminal No. 19-331.

4. As part of her guilty plea, Sue O'Neill agreed to forfeit all right, title, and interest in the Subject Property.

5. The United States subsequently obtained a Preliminary Order of Forfeiture for, among other things, the Subject Property.

6. On or around September 10, 2020, Sue O'Neill was sentenced and her Judgment included the forfeiture of the Subject Property.

7. The United States conducted ancillary forfeiture proceedings so that third-party interests could be adjudicated in accordance with 21 U.S.C. § 853(n).

8. Beginning on January 28, 2020, the United States advertised notice of this forfeiture proceeding for 30 days, and a declaration of publication is on file with the Court.

9. On or around June 17, 2020, Robin Gabel filed a claim asserting an interest in the Subject Property.

10. On September 22, 2021, Robin L Gabel, and his wife, Tonya Lynn Gabel, entered into a Stipulation with the United States agreeing to forfeit all rights, title and interest they have in the Subject Property to the United States.

11. By Order dated September 27, 2021, the Court dismissed, with prejudice, Robin Gabel's claim and forfeited to the United States Robin L. Gabel's and Tonya Lynn Gabel's rights, title, and interests in the Subject Property.

12. Marco Contractors, Inc., through its attorney, has also indicated that it has an interest in and right to the Subject Property.

13. No other claims have been filed for the Subject Property, and the time for filing claims has expired. As such, the only remaining parties who have asserted any ownership rights to the Subject Property are the United States and Marco Contractors, Inc.

14. The United States and Marco Contractors, Inc. enter into this Stipulation in complete settlement and full satisfaction of any and all right, title and/or interest of Marco Contractors, Inc. in the Subject Property.

15. The United States will relinquish its rights, title and interest in the Subject Property to Marco Contractors, Inc., free and clear of any forfeiture rights of the United States.

16. Marco Contractors, Inc. will take possession and ownership of the Subject Property "as-is."

17. Pursuant to the Stipulation between the United States and Robin Gabel, executed on September 22, 2021, and filed with the Court, Gabel has until December 13, 2021, to vacate the real properties described above. As such, Marco Contractors, Inc. agrees that it cannot take possession of the real properties prior to December 13, 2021, unless permitted by Gabel.

18. Marco Contractors, Inc. hereby releases and forever discharges the United States, its agents, servants, employees and assigns from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims and/or demands which Marco Contractors, Inc., or its assigns, now have or may hereafter acquire against the United States, its agents, assigns, employees and servants, with regard to any and all issues related to Subject Property including, but not limited to, the seizure, condition and/or maintenance of the Subject Property.

19. This Stipulation is subject to the approval of the United States District Court.

20. The parties respectfully request that the United States District Court enter a certificate of reasonable cause pursuant to 28 U.S.C. § 2465 as part of the Order approving the Stipulation.

With the intent to be legally bound hereby, the undersigned execute this Stipulation this
28th day of September, 2021:

Respectfully submitted,

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